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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 07-0337 MHP

Plaintiff,)

v.)

JACQUELINE FROEHLICH-)
L'HEUREAUX,)

Defendant.)

PARTIES' JOINT REQUEST TO CONTINUE
SENTENCING HEARING AND ~~PROPOSED~~
ORDER

The parties jointly request that, subject to the Court's approval, the sentencing hearing presently set for March 28, 2011, be continued and set for sentencing hearing on May 23, 2011, at 10:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted with respect to this date and has indicated that she is available on that date. The basis of the parties' joint request is set out in more detail below.

The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was

1 referred to the Probation Office for a presentence report. The plea agreement also includes
2 standard terms of cooperation.

3 In light of continuing cooperation under the terms of the plea agreement, the parties
4 jointly request that the March 28, 2011, sentencing hearing be continued for a sentencing hearing
5 on May 23, 2011. Additional time is needed for the defendant to complete her cooperation with
6 the government. Specifically, charges have now been filed against an alleged co-conspirator of
7 the defendant, David Nosal. The Nosal case is numbered CR 08-0237 MHP. The Nosal case is
8 currently on appeal, and the case will not proceed to trial until that appeal is resolved. The
9 defendant Froehlich-L'Heureaux is expected to testify in that trial. Because Ms. Froehlich-
10 L'Heureaux will be required to testify at trial, her cooperation with the government's
11 investigation is not yet complete.

12 For all of these reasons, the parties jointly request that this Court vacate the sentencing
13 hearing presently set for March 28, 2011, and set a sentencing hearing for May 23, 2011 at 10:00
14 a.m. In addition, the parties jointly request that the due dates for the presentence report be
15 calculated using the new sentencing date.

16 SO STIPULATED.

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18 Dated: February 23, 2011

MELINDA HAAG
United States Attorney

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21 /s/
KYLE F. WALDINGER
Assistant United States Attorney

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23 SO STIPULATED.

24 Dated: February 23, 2011

Leland B. Altschuler
/s/
LELAND B. ALTSCHULER
Attorney for defendant Froehlich-L'Heureaux

Digitally signed by Leland B. Altschuler
DN: cn=Leland B. Altschuler, o=Law Office of Leland B.
Altschuler, ou, email=Lee@AltschulerLaw.com, c=US
Date: 2011.02.23 15:08:58 -08'00'

~~[PROPOSED]~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing hearing presently set for March 28, 2011, be continued to May 23, 2011, at 10:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 23rd day February , 2011

